

**LOUISVILLE METRO COUNCIL MEETING
REGULAR MEETING
JANUARY 8, 2009
6:00 PM
METRO COUNCIL CHAMBERS**

CALL TO ORDER: President King called the **January 8, 2009** Regular Meeting of the Louisville Metro Council to order at 6:00 PM. He asked all to rise and join in the Pledge of Allegiance to the Flag.

ROLL CALL:

JUDY GREEN: PRESENT
BARBARA SHANKLIN: PRESENT
MARY WOOLRIDGE: PRESENT
DAVID TANDY: PRESENT
CHERI BRYANT HAMILTON: PRESENT
GEORGE UNSELD: PRESENT
KEN FLEMING: PRESENT
TOM OWEN: PRESENT
TINA WARD-PUGH: PRESENT
PRESIDENT JIM KING: PRESENT
KEVIN KRAMER: PRESENT
RICK BLACKWELL: PRESENT
VICKI WELCH: PRESENT
BOB HENDERSON: PRESENT
MARIANNE BUTLER: PRESENT
KELLY DOWNARD: PRESENT
GLEN STUCKEL: PRESENT
JON ACKERSON: PRESENT
HAL HEINER: PRESENT
STUART BENSON: PRESENT
DAN JOHNSON: PRESENT
ROBIN ENGEL: PRESENT
JAMES PEDEN: PRESENT
MADONNA FLOOD: PRESENT
DOUG HAWKINS: PRESENT
BRENT ACKERSON: PRESENT

CLERK: There are 26 members present establishing a quorum.

PRESIDENT KING: Thank you, Madam Clerk.

ELECTION OF THE PRESIDENT OF THE METRO COUNCIL

PRESIDENT KING: All right.

First order of business tonight is the election of the Metro Council President for 2009.

First, I will go over briefly the rules by which we will operate and then ask for nominations.

Nominations can be made from the floor.

No seconds are needed.

You do not have to be nominated to receive votes.

So when you cast your vote, the clerk will call the roll and you'll be asked to cast your vote by name.

The nominee needs 14 votes to be elected.

Are there any questions as to how the election will be conducted?

Hearing none, nominations are now in order for the office of president.

COUNCILWOMAN WOOLRIDGE: Mr. President

PRESIDENT KING: Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Mr. President, tonight I am honored to nominate David Tandy to serve as President of the Louisville Metro Council for 2009.

Councilman Tandy joined the Council on April 14th, 2005 following the sad passing of our colleague, Willie Bright.

Since then he has been reelected twice most recently in November 2008.

Councilman Tandy has dedicated his public service to a renewed hope dedication and a vision for the people of the fourth District and this community of Louisville that he cares so deeply about.

I believe Councilman Tandy's passion for moving our city forward will serve this Council well and I believe he will be a president that will listen to every voice of the legislative body. And also to promote civil discourse.

Over the past three years, I have been honored to serve with Councilman Tandy.

I am proud to call him my friend and tonight I am honored to nominate him for president of the Louisville Metro Council for 2009.

Thank you Mr. President.

PRESIDENT KING: Thank you Councilwoman. Are there any further nominations?

I'm sorry; did you move nominations to be closed?

Before I take -- before I take a second on that nominations will continue for just another moment.

Do I have any further nominations?

COUNCILMAN DOWNARD: I would like to nominate James Peden.

PRESIDENT KING: Are there any further nominations?

Hearing none, the nominations are closed.

COUNCILMAN PEDEN: Mr. President.

PRESIDENT KING: Councilman Peden.

COUNCILMAN PEDEN: Although I'm honored by the nomination of my caucus and after subsequent discussions with such a hard budget year with so many controversies before us, I feel it's important that we show a little unity amongst ourselves, a little lack of partisanship.

And by virtue of that, although I will appreciate any votes that come my way, I will

personally -- I would like to withdraw my nomination.
And I will be casting my vote for Councilman Tandy.

PRESIDENT KING: Thank you.

Is there any other comments before we take the vote?

Again, we will take the roll because you do not have to be nominated to receive votes.

Madam Clerk, please call the roll.

COUNCILWOMAN GREEN: Councilman Tandy.

COUNCILWOMAN SHANKLIN: Councilman Tandy.

COUNCILWOMAN WOOLRIDGE: Councilman Tandy.

COUNCILMAN TANDY: Councilman Tandy.

COUNCILWOMAN HAMILTON: Councilman Tandy.

COUNCILMAN UNSELD: Councilman Tandy.

COUNCILMAN FLEMING: Councilman Tandy.

COUNCILMAN OWEN: Councilman Tandy.

COUNCILWOMAN WARD-PUGH: Councilman Tandy.

PRESIDENT KING: Councilman Tandy.

COUNCILMAN KRAMER: Councilman David Tandy.

COUNCILMAN BLACKWELL: Councilman David Tandy.

COUNCILWOMAN WELCH: Councilman Tandy.

COUNCILMAN HENDERSON: Councilman Tandy.

COUNCILWOMAN BUTLER: Councilman Tandy.

COUNCILMAN DOWNARD: In the belief that Councilman Tandy's leadership in the next 12 months as it started out this evening, I'll proudly cast my vote for David Tandy.

COUNCILMAN STUCKEL: Councilman Tandy.

COUNCILMAN JON ACKERSON: Councilman Tandy.

COUNCILMAN HEINER: Councilman Tandy.

COUNCILMAN BENSON: Councilman David Tandy.

COUNCILMAN JOHNSON: Councilman Tandy.

COUNCILMAN ENGEL: Councilman Tandy.

COUNCILMAN PEDEN: Councilman Tandy.

COUNCILWOMAN FLOOD: Councilman David Tandy.

COUNCILMAN HAWKINS: Councilman Tandy.

COUNCILMAN BRENT ACKERSON: Councilman David Tandy.

COUNCIL CLERK: There are 26 votes for David Tandy

COUNCILMAN TANDY: Well, if I might, I would like to -- before we move on with the next item of business take a point of personal privilege and just say a few brief remarks before we begin.

I don't have any prepared remarks for this evening.

In large part because prior to getting to this point, I have been busy working on some other pieces of legislation that we've all had a niche for so rather than putting anything that I might say or myself first, I wanted to focus on that.

But let me first begin by recognizing and thanking my family, who is here.

Certainly, none of us reaches this position that we are without the love and support of our family. Who recognize the sacrifice that we give not only to this community but to our families, as well.

And so as such, I want to thank my wife, Carolyn.

And our two daughters, Kennedy and Avery.

Who are at home right now watching channel 25 as they always do.

Every Thursday night.

Along with my mother-in-law, Herminie Whitaker who is the newest fourth District resident here in Louisville.

I also want to thank my mom and my dad Samuel and Rosey Tandy from Owensboro Kentucky who helped get me to this point thus far. I also want to thank my brother, Travis who has always been my best friend and one I continually bounce ideas off of on a day-to-day basis.

I also want to thank the people of the fourth Metro Council District for giving me the opportunity to serve them these past four plus years on the Metro Council.

And I also want to thank each and every one of you, my colleagues on the Council.

My time serving alongside you has been an enjoyable one.

One of the things I've always said that whenever we cross the threshold to come into this Council is that we can vigorously debate the issues and hold our respective positions.

But at the end of the day when it's over, the level that we still must remember the fact that we are friends, colleagues and we're all members of this great community.

And so it is with that mindset that I encourage us to continue to move forward.

There's -- above the -- above City Hall in the -- right along the roof line you'll find the old city seal of Louisville.

And the old city seal of Louisville was a locomotive engine that had inscribed on its side the words: Progress.

And so many times when we debate issues or when we continue to grow as a community, I think it's important for us to always remember who we are and where we've come from as Louisvillians.

Louisville is a city of progress in my opinion.

We are a city that has always and has in the past and it is my hope and my intent that

we will always be moving forward, a city that progresses boldly toward the future. And much like a locomotive engine, it's difficult for a locomotive engine to go back, go backwards. That's the way I want Louisville to be, as well. That as we continue to debate the pressing issues of the day, that we be mindful of something I said to us a couple of months ago when we were debating another issue. And that is that whatever we deal with a particular issue, there are only two options for us. Either we move forward and progress or we regress. Standing still, doing nothing is not an option. So it's my hope and intent that as we continue to go forward as a community that we will keep that in mind and that we will also embrace what Dr. King called the fierce urgency of now. As Mr. Peden pointed out we are in pressing times right now. There are many of our fellow citizens who are hurting and they are calling upon us to show real leadership and to put aside partisan politics and really grapple those issues. Now understand something when we make the call for putting aside partisan politics that doesn't mean every vote we take will come down on a 26-0 vote. There are going to be legitimate differences of opinion. And we need to express those. We need to debate those. We need to let steel sharpen steel and out of that discussion come up with the best solutions for this community. And when we're done with it, know that we each were acting in our best -- what we believe to be our -- the best interest for our community. And that's what I want us to continue to remember as we continue to move forward. I also want to take this opportunity to thank Councilman King and the past presidents of this Council for the leadership that you've provided throughout this past year and years past.

[Applause.]

PRESIDENT TANDY: None of us got here on our own. And we stand on the shoulders of many tremendous Louisvillians who have paved the way for us thus far. But it's upon us now to move this city forward. And so let me just finish up by saying this: Let us not squander this opportunity that we have before us right now. There's -- I think I may have shared with some of you before. But when I graduated from college, from Vanderbilt University, my college, Peabody College gave me the Chinese symbol for crisis and they gave us a little note that went along with it. And the note said that the Chinese symbol of crisis is made up of two symbols. The first symbol being danger and the other symbol being opportunity. And what they wanted us to always remember was that whenever you're in a crisis

situation or in a difficult situation, that while there may be some turbulent times ahead of you there's always the opportunity to make things better.

That's what's before us right now. My hope is we will not squander this opportunity.

That we will embrace it. That we will boldly make decisions in the best interest of our community.

And that we create and make Louisville that shining city on the hill that others in this community and around the state of Kentucky and this nation will want to come to make it home. But also that other cities around this nation and around this world will want to emulate. And I look forward to working with each and every one of you to help make that possibility a reality.

Thank you.

[Applause.]

ELECTION OF THE CLERK OF THE METRO COUNCIL

PRESIDENT TANDY: And now for the next item of business, we have before us the election of our Clerk for the Metro Council.

And as you know, again, the procedure for this is that nominations will be made from the floor.

There are no seconds that will be needed.

That nominee needs 14 votes to be elected.

And with that, are there any nominees for the position of Metro Council clerk?

Councilwoman Butler?

COUNCILWOMAN BUTLER: Thank you, President Tandy.

It is with great honor that I nominate Kathy Herron to remain our Metro Council clerk.

Her professionalism is above any that I have ever encountered in the business world.

And her ability to put her finger on an item that I have been searching for for two hours continues to amaze me. And I think she has served us well and she will continue to and I ask for your support for Ms. Herron.

PRESIDENT TANDY: Thank you, are there any other nominations?

Seeing none, without objection, the nominations will be closed.

With there being no other nominations, I believe a voice vote will be appropriate here.

All in favor of electing Kathy Herron as our Metro Council Clerk please signify by saying aye.

ALL PRESENT: Aye

PRESIDENT TANDY: All opposed?

(None)

The eyes have it. Ms. Herron, you're back again.

[Applause.]

COUNCIL CLERK: I would just like one minute of personal privilege. I do not do this job alone. I have four staff people that support me 24/7. Kay Grissett, Kelly Paris, Mary Munford, Jeff Thompson. And I hope that you recognize that, as well. They are very, very fine staff. And they support me as we support you. Thank you very much for your confidence.

PRESIDENT TANDY: Thank you, Madam Clerk. If I might, as well, before -- we are going to take a brief recess and then come back. But one of the people that I don't want to let the opportunity pass without recognizing -- I'm sure all 25 of us -- 26 of us recognize the importance of -- is our legislative aides. They are the people day in and day out that help make us who we are. We are the ones that get the face time. But they are the ones that do the work. And so, I didn't want to let this opportunity pass by without recognizing Rob Haynes and Mabel Monroe who work in my office, the fourth District office, who answer thousands of calls and on a daily basis who deal with constituents of all levels from all different walks of life. And do it with tremendous skill, professionalism and efficiency. And so I wanted to recognize Rob and to Mabel. And for the service that they do. As well as all the LAs that work with us and help prop us up so that we can then continue to serve the people of Louisville.

RECESS

Without objection we'll take a ten-minute recess. And then be back in the chambers at 6:40 pm to continue with the business of the day. Without objection, we'll stand in recess.

Resumed meeting

APPROVAL OF COUNCIL MINUTES:

PRESIDENT TANDY: Next, we have approval of council minutes of the Regular meeting of December 18, 2008. Are there any corrections or deletions?

May I have a motion for approval?

COUNCILMAN PEDEN: Motion to approve.

COUNCILWOMAN WOOLRIDGE: Second.

PRESIDENT TANDY: The minutes have been properly moved and seconded.

We also with this vote we will have two abstentions on this with regard to this item. Councilman Jon Ackerson and Councilman Brent Ackerson we have to figure out.

We'll have to figure out how we'll address that.

JON ACKERSON: I'm the dumb one.

PRESIDENT TANDY: Okay.

But will be abstaining from voting because they weren't here for that meeting.

So with that all in favor of approving proceed by saying aye.

PRESIDENT TANDY: All opposed.

COUNCILMAN DOWNARD: Abstain. I was also absent that night.

I apologize.

PRESIDENT TANDY: Madam Clerk, do you have the abstentions.

COUNCIL CLERK: So noted, sir.

PRESIDENT TANDY: Okay.

All those in favor, signify by saying AYE.

ALL PRESENT: aye

Opposed?

PRESIDENT TANDY: The ayes have it. **The minutes are approved as written. With abstentions from Council members Jon Ackerson, Brent Ackerson and Kelly Downard**

APPROVAL OF COMMITTEE MINUTES:

PRESIDENT TANDY: Next, we have approval of committee minutes.

Regular: Committee of the Whole – December 18, 2008

Special: Parks, Libraries, Zoo and Arts - December 30, 2008

PRESIDENT TANDY: Are there any corrections?

May I have a motion for approval?

COUNCILWOMAN WOOLRIDGE: So moved.

COUNCILWOMAN WELCH: Second.

PRESIDENT TANDY: The minutes have been properly moved and seconded.

All those in favor, signify by saying aye.

ALL PRESENT: AYE

Opposed?

PRESIDENT TANDY: **The minutes are approved as written.**

With abstentions from Council members Jon Ackerson, Brent Ackerson and Kelly Downard

OLD BUSINESS

PRESIDENT TANDY: The next item of business is Old Business. Madam Clerk, a reading of Item 4.

4. O-214-11-08 AN ORDINANCE AMENDING CHAPTER 21 OF THE LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT CODE OF ORDINANCES [LMCO] RELATING TO ETHICS (AS AMENDED).

Status: On Council Agenda - Old Business
Committee: Rules, Ethics, & Appointments
Primary Sponsor: Kenneth C. Fleming

PRESIDENT TANDY: This item was postponed at the December 18th meeting. So there's no need for a motion or a second. At this time the chair will now call on Councilman Fleming.

COUNCILMAN FLEMING: Thank you, Mr. President. I appreciate the recognition. We've had extensive discussions on this ethics ordinance which encompasses about 35, 36 pages which is rather comprehensive and it's recognized as being such. And we discussed this, and vetted this thoroughly through the committee process. It's based on the US Department of Ethics on the Federal level as well as looking at quite a few other municipality ordinances and such. And through that we had quite a bit discussions. A couple of items we did not agree upon last fall. It was withdrawn. It was reintroduced. Those items were worked out. And unfortunately there are some more questions that came up from Council members in terms of clarifying some of these items and such. I want to thank the president for working with me through this process as well as my committee. I guess my old committee. Let me rephrase that. In terms of handling this and looking at this and vetting this through and I also appreciate the County attorney's office for going through and handing some assistance. Once again, I am disappointed and frustrated that this ordinance is not being voted on tonight. We've had promises that this was going to happen. I respect some questions that came up. Those questions have been -- are duplicate questions that we have gone through and vetted. Yes, there are some things that we discovered that could have been modified tonight. And that could have you know -- we could have gone ahead and proceeded and passed this. But I believe and sensing that the majority of the Council did not feel comfortable in voting on this tonight because of some remaining questions, then what I would like to recommend, Mr. President, is that this will be reluctantly tabled until a date certain. That date certain would be the 12th of February.

I would like to have a solid, solid commitment from everybody that this will be voted on that night.

In addition to that, a week from tomorrow Ms. Herron, I don't know what a week from tomorrow is on that date, but whatever that date is, could you record it as such that all questions need to be submitted to myself and if you do not submit your questions after that date, it will not be considered. And it will not be recognized.

So you have all the time for the past eight months to do this. And you have one week to do that. So I just want to make sure that's all clear on that.

So with that regard, Mr. President, you and I are going to get together.

And we are going to call upon I believe two attorneys to help us go through and try to address as many things as possible with the ordinance that the Council can approve.

So that was my recommendation, Mr. President.

COUNCILMAN OWEN: I second that recommendation.

PRESIDENT TANDY: Thank you, Councilman Owen.

Properly moved by Councilman Fleming

Seconded by Councilman Owen.

Are there any persons wishing to speak to the motion?

Councilwoman Woolridge.

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.

I would just like to say I would like to thank Councilman Fleming.

You, Mr. President. And everyone that has worked on this ordinance.

This is an ethics ordinance. And we implement laws here at the Louisville Metro Council. And I don't think we need to be in a hurry to implement these laws as an attorney in our caucus said today one of our Council members said we need to make sure we get it right. And to ask me for -- to vote a date certain, February 12th, I don't know if I can say I can vote February 12th.

Because I will need this legislation to come back before me to see it again even after meeting -- you all having the meetings or workshops with the ethics attorneys.

So I think to put this in writing or put it on the record date certain February 12th, I'm having just a little problem with that.

Thank you, Mr. President.

COUNCILMAN KRAMER: Point of order Mr. President.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: I believe the motion was to table to a date certain.

I believe Robert's Rules say if a motion is to be made to be tabled the -- it should be

tabled without debate.

I have things I would love to say but table is without debate.

COUNCILMAN DOWNARD: I think possibly it was a misstatement it was meant to postpone with a date certain which is what we do with legislation to Council.

COUNCILMAN FLEMING: That would be different the question is did Councilman Fleming intend to table or postpone.

COUNCILMAN FLEMING: I think this remained tabled --

PRESIDENT TANDY: It's postponed right now.

COUNCILMAN FLEMING: It should be postponed until the date certain and that's the 12th of February.

COUNCILMAN KRAMER: I withdraw my point of order.

COUNCILWOMAN BUTLER: I just have a point of clarification, if I may ask, which version of the ordinance am I to use to make my questions.

COUNCILMAN FLEMING: Thank you President Tandy.

The date that you need to refer to Ms. Butler, is on the last page.

It says Chapter 21 amendments final committee amendments.

12/16/08 and it's ROCML. That's the last one that you need to refer to.

I know there's been some amendments to President Tandy I'll get that right event Mr. President, that we talked about in making some amendments and such.

Please bear that in mind.

Between now and then I will always have been and always will be available to those questions that you might have that I can say yes that is going to be addressed or whatever. So that's the most recent one that we're going to be working from.

PRESIDENT TANDY: Councilman Blackwell I will recognize you next but Madam Clerk, the version that Councilman Fleming referenced is the version that's in Sire presently, correct?

COUNCIL CLERK: Yes, sir.

PRESIDENT TANDY: Thank you. Councilman Blackwell?

COUNCILMAN BLACKWELL: Okay.

I'm just looking at the one that they gave us in the Committee of the Whole also says 12/16/08. Okay.

So what is the difference?

The DWT suggested revisions is the one we should disregard?

PRESIDENT TANDY: Councilman Fleming?

COUNCILMAN FLEMING: Yeah, I mean I would prefer we go back to what came out of the committee.

COUNCILMAN BLACKWELL: So we're going to rehash those 15 things that we've already . . .

COUNCILMAN FLEMING: Well, those 15 things I believe are -- have not -- have come since committee. And they were -- have not been voted on as of yet through the committee process. I mean to be honest with you, we can use -- we can use that amended version, the most recent version with those amendments President Tandy and I came up with.

I'm just trying to go back to original document because there might have been some things that we talked about that include those 15 or 10 or 11 items that we need to sit there and vet those things out again. You know we might miss something.

So let's go back to what came out of committee.

And then take those amendments and those questions you all might have and then we can go through the process and make those changes.

PRESIDENT TANDY: Okay.

I think Councilman Kramer.

COUNCILMAN KRAMER: Thank you, Mr. President.

Given that this is the motion to postpone rather than a motion to table do have just a quick comment.

The committee of the whole there was a bit of discussion about where this would likely end up.

And that's what I understand Councilman Fleming is basic his motion to postpone to a date certain, he's basic it on that discussion.

In that discussion there was some suggestion that we would have folks get together and help Council members with language and craft these things.

Someone once wisely said that the perfect is the enemy of the good.

The ordinance that is before us tonight, the one that came out of committee, is better than the ordinance that's currently on the books.

Some on this Council are suggesting that we do nothing now but instead seek to create perfect ethics reform before we act.

It has even been pointed out that the ordinance as written the one that's currently before

us won't take effect until July.

Given that as reality, I propose that we pass this ordinance tonight the way that it came out of committee and that we seek the assistance that's been suggested.

And that between now and July we will have ample time to create an even better ethics ordinance than the one that's on the books and the one that's currently before us.

Thank you, Mr. President.

PRESIDENT TANDY: Councilman King?

COUNCILMAN KING: Sorry; did you say Councilman King?

PRESIDENT TANDY: I did.

COUNCILMAN KING: I was trying to get clear if we're using -- which version again we're using. Shouldn't we be using the version that came out of committee for our working document? And is that what we've agreed to do?
Is that the version that's in Sire.

COUNCILMAN FLEMING: Yes, sir.

COUNCILMAN KING: Great.
Thank you.

PRESIDENT TANDY: Councilman Blackwell.

COUNCILMAN BLACKWELL: Just a question again.

So I just want to be clear because Councilman Fleming I don't want to add to his frustration.

If we have Councilwoman Flood and I were working on a number of things that you have already addressed.

So am I hearing you say that we go back and that we submit those again?

Or -- because we're going back to the original.

Then we still have those -- then we still have those concerns.

PRESIDENT TANDY: Let me -- I'll make this suggestion.

What we will -- what I will read in light of the fact that I submitted a draft that was circulated among the members of the Council.

I will list out those proposed changes so that everybody has a baseline to operate off of. Everyone understands that the version that we will be revising is the version that passed committee that is in the Sire system currently.

And that will be what the attorneys that -- and the group that Councilman Fleming has made the motion to review the ordinance will be operating off of.
And so that would be the baseline for all of us to go from from there.
So if there are any additional suggestions that are to be made or any additional thoughts to be made, those then would need to be submitted by the date that Councilman Fleming had suggested. And then we'll operate from there.

COUNCILMAN BLACKWELL: Thank you that was very helpful.

PRESIDENT TANDY: Councilman Henderson.

COUNCILMAN HENDERSON: I just want to say the same thing as Councilwoman Woolridge. I'm not committed to come here and pass anything on a given date. In fact I don't think that's what we're sent up here for. We're to make our decision according to the product that comes to us and I don't know of anybody here that will say yes I will pass whatever I think it's very poor judgment to be doing something like that and I will not commit to that.
And the other thing is, you know, I want somebody to give me whatever you're going to work off of so everybody will work off of the same thing. And some kind of explanation for it. Just don't go off like we've been going off and not getting this done and people not participating. We can get it done if we all work together on the same page on the same information. And like I said I'm not going to commit to whatever you hand me I'll vote for. That's my vote to not say I will pass something. I will look into it.
And if I see it needs to be passed, then it will be passed.

PRESIDENT TANDY: Councilman Peden?

COUNCILMAN PEDEN: I would just like to say I don't believe the proposal is to vote -- get everyone to commit to voting yes for something on February.
I believe he's just -- a vote in general.
You are perfectly free to vote however you want.
But that it just doesn't keep getting pushed back and pushed back.
So the date certain in February is not an affirmative vote.
It's just a vote.

PRESIDENT TANDY: Thank you.
Councilwoman Woolridge?

COUNCILWOMAN WOOLRIDGE: Thank you, Mr. President.
I would just like to go back to what my colleague, Mr. Kramer said.
I mean, I don't see the sense of urgency here.

We know this law will not be passed until July.

So I'm questioning why he would want to in fact pass an ordinance that most of the Council is not pleased with, continues to have questions about tonight when the law will not take effect until July 1st. Thank you, Mr. President.

PRESIDENT TANDY: Councilwoman Hamilton.

COUNCILWOMAN HAMILTON: Thank you, Mr. President, I think what I heard in the Committee of the Whole was that the ad hoc for want of a better name committee that was going to get together was going to report back.

As you suggested.

In early February.

Right?

Did I hear that right?

From people?

All right. That's what I thought I heard.

But what I'm saying is I don't want really want to go back to square 1.

I think today we made a bit of progress with the DWT suggested revision.

And if we have to go back to square 1 to the other ordinance that came out of committee, I think it's going to take a little more time than trying to have that date certain on February 12th. Because we need time to review it.

We need time for the caucus to see it again and for everybody to have some input and to have it right back I don't even know if we're going to have committees in place by that time. I will suspect we will by the 1st of February.

But it's going to be -- remain at the Council level, right?

But I would like to have an opportunity to have more time to address.

Because some of the concerns we gave you today may or may not have had an opportunity to get in here.

And I don't have to -- I don't want to have to restate what we have already hopefully come to some compromise on.

So if I need to go back to everything that is not in here, then -- and you need it by when?

I didn't hear the date when you said that.

COUNCILMAN FLEMING: The 12th.

PRESIDENT TANDY: Councilman Fleming.

COUNCILMAN FLEMING: The questions?

The questions I believe by next Friday was my statement.

Just questions.

And I think the Council woman -- let me be clear because I think she might be touching

on something. I think it's -- I'll speak for the President on this particular issue.
But I think it's our intent to have something ironed out in plenty of time for the Council members to digest it and look at it and then give us some feedback and some thought.
And then we can -- then we can look at that further.
And address whatever it is.
And then bring it up for the vote on the 12th.
It's our intent -- I don't think it's our intent to say here it is on the 12th and you better vote for it. That's not our intent.
Our intent is to work on it expeditiously and then give you an opportunity, enough time, to digest what has come out with all of your suggestions and thoughts.
That's my thought.

PRESIDENT TANDY: Councilwoman Flood.

COUNCILWOMAN FLOOD: Thank you, Mr. President, and I think Mr. Fleming in a roundabout way has already answered the questions I had concerning ample time to digest what changes will come out of this committee.
And I am under the understanding that most of my questions or a good bit of them with the DWT version had been addressed.
But I'm hearing that those no longer stand so I need to readdress all of my concerns?
I just want to make sure that they don't fall through the cracks which I don't think they will.
But if we're going back and not using that document they appear as if they do not exist.

PRESIDENT TANDY: No, Council woman, what I said to Councilman Blackwell was that the version that everyone will be operating off of will be the one that's in the Sire system currently which was the one that was passed out of committee.
The proposed suggestions that I had created I will delineate those and submit those to Councilman Fleming so that the work group or the committee, whatever you want to call them, will have those to work off of. So you won't have to resubmit those if you choose not to. And then if you have any additional suggestions, then those will be welcomed, as well. Councilwoman Shanklin.

COUNCILWOMAN SHANKLIN: Mr. President, I probably wasn't listening right.
Probably talking at the time.
So I just want to make sure I have the right one.
And I heard two different things.
I heard that we're going to use the one that you gave us tonight.
Then I also heard that we're going to go back to the original one that we had.
So stick with this one?

PRESIDENT TANDY: The version of the ordinance that is in the Sire system presently, that is entitled Chapter 21 amendments committee -- what does it say committee version -- final committee amendments 12/16/08 that is the version that we're operating off of. Any proposed changes that were suggested in the DWT, proposed amendments, will be delineated by me to the group so that they will have that as additional information to work on as we move forward.

And if you have any additional suggestions or ideas as to how the ordinance should be amended, that those would be welcomed by Friday of next week.

COUNCILWOMAN SHANKLIN: Okay.

I think I have it now.

PRESIDENT TANDY: Okay.

Councilman Johnson.

COUNCILMAN JOHNSON: I would like to commend Councilman Fleming and Councilman Tandy for working this out.

And I really appreciate it.

And if we're going to vote on it, I would like to vote now.

PRESIDENT TANDY: All right.

Seeing that there are no other speakers wishing to be called upon, all those in favor of the motion presented by -- made by Councilman Fleming, please signify by saying aye.

MOST: aye

PRESIDENT TANDY: All opposed.

COUNCILMAN KING: No.

PRESIDENT TANDY: There was one no?

COUNCILMAN KRAMER: The ayes have it.

PRESIDENT TANDY: Okay.

The ayes have it and this item will remain postponed at the Council level until February 12th.

The next item that is before us is Item No. 5, Madam Clerk, a reading of that item.

5. R-215-12-08 A RESOLUTION AUTHORIZING THE MAYOR TO ENTER INTO A MAINTENANCE AGREEMENT WITH 21ST CENTURY PARKS, INC. IN ACCORDANCE WITH THE PARKS AND OPEN SPACE MASTER PLAN. (AS AMENDED)

Status: On Council Agenda - Old Business
Committee: Parks, Libraries, Zoo & Arts

Primary Sponsor:

Jim King
Hal Heiner
Robin Engel
Stuart Benson

PRESIDENT TANDY: Is there a motion properly moved by Councilman Engel seconded by Councilwoman Butler.

Councilman Engel.

COUNCILMAN ENGEL: Thank you Mr. President congratulations once again.

Colleagues, I want to thank the Parks committee for coming in during -- thank you, Mr. Johnson. Thank you for turning off my microphone. I appreciate that.

Happy new year to you, too, as well.

[Laughter.]

COUNCILMAN ENGEL: I really appreciate my colleagues coming in on short notice right after the Christmas break and during -- right before New Year's to address.

And I most especially want to thank Dan Jones, Chairman and CEO of 21st Century Parks for his tireless work on this particular legislation.

You can kind of tell -- we could kind of tell during the committee how -- lots of questions from Mr. Jones as it relates to legislation and things like that. It was very cordial discussion.

And if you've had the opportunity -- and I think everybody has and we're all excited about the future of our community as it relates to this park initiative.

We can't help but be excited about the quality of life opportunity that will be coming with regard to this resolution and this park initiative.

And there was some amendments that were passed during committee.

However, there are some additional amendments by Councilman King and Councilman King was out of town at the time.

And said: Just go ahead and let's move it on because we wanted to move it on.

Because obviously there's the committee structure is going to be changing and we wanted to get this legislation moved forward.

So with that, Mr. President, I would like to send this over to Councilman King who has got some amendments and I believe an amendment by substitution and we will be able to vote on this it tonight I believe.

Thank you.

PRESIDENT TANDY: Thank you Councilman King.

COUNCILMAN KING: Thank you, Mr. President.

Yes, I do. I was out of town.

This thing got fast tracked Councilman Engel is so efficient and moved his committee on this.

But it was over the New Year's holiday and I was gone.

And so I do have some changes to this.

What I would like to do, most of you probably hopefully all of you if you haven't I've got extra copies here, have received or heard today of the changes that I proposed tonight.

I'll be glad to supply you with a copy of those. They are also on our system I think in Sire.

So you can access that right there at your station and look at it.

And let me just give you the essence of the changes that I'm making here.

First, let me start by saying that the first version of this referred to a master plan which was the Cornerstone 2020 parks and open space master plan it didn't actually use the phrase Cornerstone 2020 it just said parks and open space master plan later on in the resolution it talked about the master plan, as well but it was talking about the Floyd Fork Greenway project master plan and it really didn't clarify that so I'm clarifying that in this document to make sure that we know there are two different master plans one is the overall master plan for Metro Government and then the other is specific to this project.

The other changes that I make, one of those is that the original resolution provided that the operating and maintenance agreement was called a maintenance agreement I changed it to be called operating and maintenance agreement and that while it did have an automatic renewal in there every five years unless it was terminated it allowed that the termination be done unilaterally by the executive branch without legislative branch input or oversight. I believe that it's important that we have public input if it is determined that we want to terminate this.

So this new document, which I will be moving into the record here shortly provides for the automatic renewal.

But it also provides that termination must be done by action of resolution of this Metro Council since we are the ones that are empowering the original agreement to take place. It also has a notice provision of 12 months in there if we decide to terminate or if 21st Century Parks, which is the agency that we're working with on this decides to terminate the operating and maintenance agreement.

Then there's a 12 month notice provision on that.

By the way, I should say that I haven't been able to enter debate for 12 months since I've been sitting on the president's chair so you all have to listen to a few minutes for me tonight. I apologize. A lot of pent up conversation I've got to get through here.

PRESIDENT TANDY: Any new information?

(Laughter)

COUNCILMAN KING: No. Exactly.

And there -- there will hopefully be lots of new information here as I get through this.

The -- and for those of you who didn't hear the committee discussion on this I should also mention there are three documents that are associated with this resolution.

One has to do with a construction easement that we're empowering the Mayor to

execute that allows 21st Century parks to enter public land that we will be placing under their control by deed restriction and by the operating and maintenance agreement. There is a deed restriction that does commit this property that we're talking about in perpetuity as public park land and then there is the operating and maintenance agreement.

So what we'll end up with when we get finished here is we would have the park lands that are public lands that are currently owned by Metro would continue to be owned by Metro but they would be committed to being park lands.

21st Century parks would end up with a temporary construction easement so that they can enter the property and build out the -- that portion of the Floyd Fork green way project that is to be done on public lands and of course that master plan has been approved. And then the operating and maintenance agreement which is renewable every five years are subject -- or subject to our termination every five years.

So Metro doesn't give up much on this other than allowing 21st Century parks to enter the property. Metro commits the property be park land and then Metro has the right every five years to go back and say hey this isn't working out much like the agreement that New York City has on Central Park.

Continuing on with new information, Mr. President, the other thing that I've added to this resolution is that although it's not likely that there will be any significant revenues derived from the use of public lands, it is possible and I refer to the Central Park situation in New York City it is possible that there would be a lease of some of that property somewhere down the road for something.

For example, Tavern on the Green, Lisa space and central park on New York City and pays a lease payment to the organization that operates Central Park and those revenues are shared in some form or fashion I don't have the details on that.

What this resolution provides is that any such revenues that are derived by 21st Century Parks from the use of public land will be subject to revenue sharing equipment which is mutually beneficial to all parties.

And because of intense lobbying from both sides tonight all sides around me Councilwoman Woolridge, Councilwoman Ward-Pugh, Councilman Heiner and others and if there were others even that mentioned this, I've added a sentence in the amendment by substitution I'll be submitting will have a second sentence in Section 4 A that says such agreement shall be presented to the Metro Council prior to its execution so the Metro Council will have an opportunity to see what the revenue sharing agreement is.

Again, if we're not satisfied with it or any Council in the future that's not satisfied with it would still have that five year look back where they can terminate this if for some reason they weren't satisfied with the agreement.

Finally, the other concern I had in meeting with other people on this and working through this process is that I always would like to have a public input to the extent that there is changes that are going to be made in the master plan and the master plan I'm talking

about is the Floyd Fork green way project master plan.

And so one of the provisions I'm adding in this is that any changes in use and improvements to the public lands proposed by 21st Century parks which are not consistent with the current Floyds Fork green way project master plan which is incorporated by reference herein may not be made unless first presented to a committee of the Metro Council for review and approval .. Again the idea of getting public input on changes that they want to make going forward and it could be 50 years or 100 years from now where this thing has to operate.

So with that, I will move this document in as an amendment by substitution.

COUNCILMAN ENGEL: Second.

PRESIDENT TANDY: Properly moved by Councilman King second by Councilman Engel any discussion with regard to this amendment Councilman Stuckel did you wish to be recognized.

COUNCILMAN STUCKEL: No my comments were going to be after this.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: Thank you I would also like to comment and give credit to Councilman Heiner and Councilman Engel and Councilman Benson as my co-sponsors on this I appreciate their input and help. And well that's enough said but I appreciate their assistance with this.

PRESIDENT TANDY: Any other discussion?

Seeing none, this is amendment.

It calls for a voice vote.

COUNCILMAN KING: It calls for a voice vote, yeah.

PRESIDENT TANDY: Councilman Kramer.

COUNCILMAN KRAMER: You have a couple of people on your screen.

PRESIDENT TANDY: They want to speak after.

COUNCILMAN KRAMER: I think one of them might want to speak now.

COUNCILMAN BRENT ACKERSON: I had a quick point of clarification for Councilman King on 4 A the sentence that's going to be added could you repeat that for me again they are going to submit the agreement to the Council is that for Council approval or they will just submit the proposed revenue sharing agreements?

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: Thank you, in response to that let me say -- reread this sentence and I certainly don't have any pride of authorship on this but it says *such agreement*

shall be presented to the Metro Council prior to its execution.

I don't think that -- the way I've worded this that it is something that we would have approval over but we would be made aware of it at the time that they are executing it and what they are doing.

Now, again, I have no pride of authorship over this but that's what I propose.

PRESIDENT TANDY: Any further questions or comments with regard to this amendment? Seeing none, this is an amendment calling for a voice vote.

All in favor please signify by saying aye.

ALL: AYE

PRESIDENT TANDY: All opposed?

The ayes have it.

We now have before us the amended resolution before us.

Councilman Stuckel?

COUNCILMAN STUCKEL: Yes, with the sponsor,s permission, I would like to be a co-sponsor.

PRESIDENT TANDY: Councilman King.

COUNCILMAN KING: Absolutely.

I believe we probably have the new rules primary sponsor and co-sponsor so we will put you on as a co-sponsor.

PRESIDENT TANDY: Councilman Benson?

COUNCILMAN BENSON: Thank you, Mr. President.

I want to take this time to thank Councilman King for going through this document and making it better. This is really a very important document.

Probably 20 miles of this is in my District.

And if you really think about -- when he's talking about central park how this will make our life and our community such a better place to live to have this ring of parks around the city.

But FloydS Fork is really a nice creek and we need to have somebody who not only wants to develop it but to maintain it. Some of our problems in our park system you know we have some really nice facilities. But over the years some of them deteriorated.

We need -- and we really need to thank David Jones and Dan Jones and the 21st Century and even Steve Henry and future fund and all the people who have really worked hard to try to preserve this land for future generations so I want to thank them.

PRESIDENT TANDY: Any further discussion?

Seeing none, this is an amended resolution calling for a voice vote all in favor please signify by saying aye.

ALL: AYE

PRESIDENT TANDY: All opposed?

The ayes have it.

This item passes unanimously.

NEW BUSINESS

PRESIDENT TANDY: The next item of business is new business which consists of Items 6 through 16.

Madam Clerk, a reading of those items and their assignments to committee.

6. O-2-01-09 AN ORDINANCE APPROPRIATING \$10,000 FROM DISTRICT NEIGHBORHOOD DEVELOPMENT FUNDS AS FOLLOWS: \$5,500 FROM DISTRICT 9; \$500 EACH FROM DISTRICTS 1, 4, 8, 12, 13, AND 26; \$300 EACH FROM DISTRICTS 3 AND 21; \$250 EACH FROM DISTRICTS 2 AND 15; AND \$200 EACH FROM DISTRICTS 10 AND 14, THROUGH THE DEPARTMENT OF FINANCE AND ADMINISTRATION, TO THE AIDS SERVICES CENTER COALITION, INC. FOR PROGRAMMING EXPENSES.

Status: On Council Agenda - New Business

Committee: Appropriations, NDFs and CIFs

Primary Sponsor:

Tina Ward-Pugh

Judy Green

David Tandy

Rick Blackwell

Vicki Welch

Mary C. Woolridge

Dan Johnson

Barbara Shanklin

Marianne Butler

Jim King

Robert Henderson

Brent Ackerson

7. R-2-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY GYNECOLOGICAL AND OBSTETRICAL FOUNDATION, INC. - \$15,000.00).

Status: On Council Agenda - New Business

Committee: Contracts

Primary Sponsor: Judy Green

8. R-4-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT – (BOOK WHOLESALERS, INC. - \$500,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Tina Ward-Pugh

9. R-5-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT - (BAKER AND TAYLOR, INC. - \$1,500,000.00)

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Tina Ward-Pugh

10. R-6-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL CONTRACT – (NUBRO, INC. D/B/A BRODART COMPANY - \$500,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Tina Ward-Pugh

11. R-7-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED NEW CONTRACT – (MIDWEST TAPE, LLC - \$500,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Tina Ward-Pugh

12. R-8-01-09 A RESOLUTION PURSUANT TO THE CAPITAL AND OPERATING BUDGET ORDINANCES, APPROVING THE APPROPRIATION TO FUND THE FOLLOWING NONCOMPETITIVELY NEGOTIATED RENEWAL PROFESSIONAL SERVICE CONTRACT - (UNIVERSITY GYNECOLOGICAL AND OBSTETRICAL FOUNDATION, INC. - \$42,000.00).

Status: On Council Agenda - New Business
Committee: Contracts
Primary Sponsor: Judy Green

13. R-3-01-09 A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN APPLICATION TO THE COMMONWEALTH OF KENTUCKY AND TO PERFORM ALL OTHER TASKS NECESSARY TO OBTAIN A KENTUCKY NEIGHBORHOOD STABILIZATION PROGRAM GRANT AND TO ACCEPT THE RESULTING GRANT.

Status: On Council Agenda - New Business
Committee: Health & Human Needs
Primary Sponsor: Cheri Bryant Hamilton

14. R-1-01-09 A RESOLUTION AUTHORIZING THE OFFICE OF THE JEFFERSON COUNTY ATTORNEY TO BRING A CONDEMNATION ACTION AGAINST THE OWNER OF CERTAIN PROPERTY IN JEFFERSON COUNTY IN CONNECTION WITH THE LOUISVILLE RIVERWALK.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: Cheri Bryant Hamilton

15. R-9-01-09 A RESOLUTION DETERMINING EIGHT PARCELS OF REAL PROPERTY LOCATED AT 1523, 1521, 1515, 1511, 1511-R GARLAND AVENUE, 906 S 15th STREET, 1523 W. KENTUCKY, AND 1528-R W. BRECKINRIDGE STREET OWNED BY LOUISVILLE/JEFFERSON COUNTY METRO GOVERNMENT ("LOUISVILLE") AS SURPLUS AND NO LONGER NEEDED FOR A GOVERNMENTAL PURPOSE AND AUTHORIZING THEIR CONVEYANCE TO ST. STEPHEN BAPTIST CHURCH, INC.

Status: On Council Agenda - New Business
Committee: Labor & Economic Development
Primary Sponsor: George Unseld

Addendum:

16. R-10-01-09 A RESOLUTION AUTHORIZING THE MAYOR TO APPLY FOR AND ENTER INTO AGREEMENTS WITH THE COMMONWEALTH OF KENTUCKY TRANSPORTATION CABINET DEPARTMENT OF HIGHWAYS CONCERNING GRANTS FOR THE MIDDLETOWN – EASTWOOD TRAIL (M.E.T.) PROJECT.

Status: On Council Agenda - New Business
Committee: Transportation/Public Works
Primary Sponsor: Hal Heiner

ADJOURNMENT

There being no further business, the **January 8, 2009** Regular Louisville Metro Council meeting on a motion by Councilman Owen and a second by Councilwoman Ward-Pugh adjourned without objection at 7:21 PM EST.

Kathleen J. Herron, Metro Council Clerk

Outgoing Metro Council President Jim King,

Incoming Metro Council President David W. Tandy

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| Announcements were made by CM Owen CW Ward-Pugh, CW Welch and CM Blackwell. |
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